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Chairman: Ms. Daes (Vice-Chairman) ..... (Greece)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

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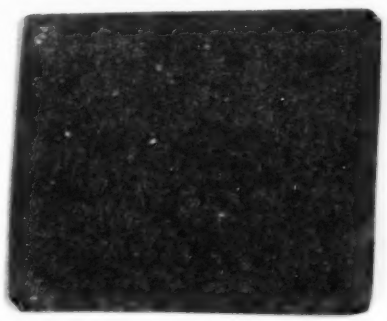

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The meeting was called to order at 10.20 a.m.

Agenda item 135: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (*continued*) (A/51/976; A/52/520 and A/52/696; A/C.5/52/4 and Corr.1)

Agenda item 137: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (*continued*) (A/52/30, A/52/520, A/52/696 and A/52/697; A/C.5/52/13)

1. **Mr. Wharton** (United States of America) said that the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda were now fully discharging their responsibilities. Since the number of trials in The Hague and Arusha was to increase, additional support was required from the United Nations to meet the high costs involved. His delegation continued to support the work of the Tribunals and believed that the necessary resources should be made available to them. They must dispense justice fairly, and the individuals involved in atrocities must be held accountable if the peoples of the former Yugoslavia and Rwanda were to live in peace and international standards were to be reaffirmed.

2. Since the number of indicted persons delivered up to the Tribunal for the former Yugoslavia was increasing, a second courtroom had to be constructed by early 1998 and equipped with the necessary personnel. The present budget provided for such a courtroom to be in operation early in 1999, but his Government was working with another Government to make in-kind contributions to speed up the process. If those voluntary contributions went forward, part of the $2.9 million budgeted for the courtroom would not be needed. His delegation therefore requested that the $2.9 million should be used flexibly — in part to hire temporary assistance to operate the courtroom. It encouraged all delegations to make similar in-kind contributions to the Tribunal for Rwanda.

3. General Assembly resolution 51/243 contained proper guidance on the use of gratis personnel. For example, the budget projections of the number of trials to be held in 1998 clearly did not envisage that many additional indicted persons would be taken into custody. That was clearly not the intention of the Security Council and the General Assembly. Arrangements should therefore be made to use gratis personnel in accordance with resolution 51/243 to provide expertise not readily available in the Organization.

4. His delegation supported the conclusions and the budget recommendations of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) on the two Tribunals.

5. **Mr. Maddens** (Belgium), speaking on behalf of the European Union, the associate countries of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Romania, Slovakia and Slovenia and, in addition, Liechtenstein, said that the budget proposals for the two Tribunals deserved commendation, for they took into account almost all the observations made by delegations on the topic. The European Union could accept the main lines of the Secretary-General's proposals, subject to the comments of ACABQ. They were consistent with the Committee's decision to provide the two Tribunals with the means to carry out their mandates.

6. With respect to the performance indicators, the emphasis in the debate should be on their definition and evaluation. They were one of the main tools in the budgetary exercise, and in future the kind of information which they provided should be used in all budget debates. The European Union accepted the ACABQ recommendations on vacancy rates, but would welcome an assurance that recruitment would not be delayed. Furthermore, the Secretariat's proposal for phasing out gratis personnel was in conformity with the Committee's decision on the subject. With regard to the conversion of posts held by gratis personnel and other temporary posts, the inclusion of an evaluation of the budgetary impact for a full year was welcome.

7. The ACABQ recommendations on the conditions of service of the Judges were acceptable, as was the Secretary-General's proposal for the financing of the Tribunals, although the European Union would have preferred it to be based on the regular budget scale. The large unused balance of approximately 15 per cent for the Tribunal for the Former Yugoslavia was worrying. The European Union had stressed on earlier occasions that the General Assembly had called for the presentation of recent financial information concerning the preceding period when budgets were submitted. On a related point, performance reports including performance indicators for the Tribunals for the year in question would be welcome.

8. The European Union agreed with the Advisory Committee's comment that the Tribunal for Rwanda should analyse fully the requirements related to witness protection. It welcomed the intention of the Office of Internal Oversight Services (OIOS) to give particular attention to following up its report on the management of that Tribunal. It also welcomed the information provided in paragraph 20 of the Secretary-General's report (A/C.5/52/13) concerning the measures taken to improve the security of the Tribunal's personnel.

9. **Mr. Skjønsberg** (Norway) said that his delegation echoed a number of the observations made on behalf of the European Union. The success of the two Tribunals would be important for the attainment of the objective of establishing a permanent international criminal court. His delegation could also accept the Secretary-General's budget proposals for the two Tribunals and had taken due note of the positive comments of the Advisory Committee. The Tribunals needed increased resources, and the financing mechanism proposed by the Secretary-General was acceptable, although his country would have preferred using only the regular budget scale. Flexibility would be needed in the implementation of the phasing- out of gratis personnel, in order not to jeopardize the specialized legal operations currently dependent on such personnel. Paragraph 4 (a) of resolution 51/243 provided for the necessary flexibility.

10. **Mr. Jaremczuk** (Poland) said that his delegation fully supported the statement made on behalf of the European Union.

11. **Mr. Sial** (Pakistan) said that his Government attached great importance to the work of the two Tribunals. Despite its financial difficulties, it had been among the first to announce a cash contribution — of $1 million to the Tribunal for the Former Yugoslavia. Its assessed contributions to the two Tribunals would be paid shortly, for Pakistan believed that resources commensurate with their mandates should be provided for the implementation of approved activities.

12. The Secretary-General's reports on the two Tribunals took into account the views of Member States and the requirements mentioned by ACABQ. The attachment to the reports of the Secretariat's responses to the ACABQ recommendations was welcome, and the practice should be followed in other instances. His delegation had always considered that budget proposals should be submitted on a full-cost basis. For the first time, the proposals before the Committee reflected clearly the requirements of the two Tribunals. The Secretary-General had also taken into account resolution 51/243 on the phasing-out of gratis personnel. The Secretariat would no doubt do likewise in other cases. Since the Advisory Committee had reported vacancy rates of 29 and 17.5 per cent in the Office of the Prosecutor and the Registry respectively of the Tribunal for Rwanda, the Secretariat should have planned to recruit the personnel required for 1998 in good time, especially as the resolution on gratis personnel had been adopted in early September 1977. Appropriate action should now be taken as a matter of priority. The reduction in the allocation of funds for consultants and experts in both Tribunals was welcome. Such staff should be used strictly in accordance with the relevant regulations and resolution 51/226.

13. The Secretary-General was proposihg to provide $24,100 under "Travel" for the Board of Auditors to audit the Tribunal for the Former Yugoslavia and $45,500 under "Contractual services" for the audit of the Tribunal for Rwanda. The Secretariat should clarify why two different heads of account had been used for the same purpose. Moreover, the $18,400 requested under "Travel" for audit of the Rwanda Tribunal by OIOS might not be justified, as OIOS had its own travel budget. His delegation endorsed the opinion of ACABQ that the budgeting of the audit requirements should have been better explained. The exorbitant increases under "Other staff costs" and "Contractual services" did not indicate sound fiscal management and needed further justification.

14. With regard to the review of the conditions of service of the Judges, his delegation would have appreciated receiving at the present session the Advisory Committee's recommendations on the Secretary-General's report on the topic (A/52/520). Deferment of the question to the fifty-third session meant that the "provisional" situation would continue for more than a year. The Secretariat should indicate how it would deal with the question of the pensions of Judges retiring in 1998. His delegation supported the 50/50 formula for the apportionment of the expenses of the two Tribunals under the regular budget and peacekeeping scales.

15. **Mr. Saha** (India) said that his delegation accepted the Secretary-General's proposals and endorsed the views of the Advisory Committee. It welcomed in particular the action taken by the Secretary-General to phase out gratis personnel, and would like similar action to be taken prior to the consideration of the support account budget.

16. **Ms. Peña** (Mexico) said that her delegation remained convinced that the two Tribunals should continue to be financed in accordance with the agreement reached three years ago, i.e., through a separate account with additional resources and in accordance with the 50/50 formula. It

welcomed the Secretary-General's commitment to implementing the resolution on gratis personnel, for that commitment would strengthen the confidence of Member States in the Secretariat with respect to the implementation of General Assembly resolutions.

17. **Mr. Sach** (Director of the Planning and Budget Division) said with regard to the questions put by the representative of Belgium that the Secretariat would continue to recruit at full speed, for it did not interpret the ACABQ recommendation as imposing any constraint in that respect; performance reports for both Tribunals would be issued in May 1998, and the Secretariat would include performance indicators for 1997 wherever possible.

18. Turning to the questions put by the representative of Pakistan, he said that with respect to the conditions of service of the Judges the Secretariat would have to continue as at present, since it could not go beyond the conditions, including pension arrangements, approved by the General Assembly. The provision for the external audit of the Tribunal for Rwanda had been included under "Contractual services" because the budget for that Tribunal covered only a travel component, but the Secretariat had been requested to make provision for fees in addition to travel. It had not been requested to make any provision for fees in the case of the Tribunal for the Former Yugoslavia and had therefore restricted the budget request to a travel component. The increases under "Contractual services" and "Other staff costs" could be discussed in detail in the informal consultations, but he would point out that in the case of the Tribunal for Rwanda certain travel costs connected with defence counsel had been reclassified to "Contractual services", so that the increase was more apparent than real.

19. **The Chairman** said that the Committee had thus concluded its general discussion of agenda items 135 and 137.

The meeting rose at 11 a.m.